

SENATE BILL No. 251

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-8-23.

Synopsis: Local unit contracts for imported drugs. Prohibits a unit from entering into a contract with a person to import prescription drugs from a foreign country unless: (1) the unit has received a waiver from the federal Food and Drug Administration; and (2) the person entering into the contract is accredited through the National Association of Boards of Pharmacy's Verified Internet Pharmacy Practice Sites. Allows the attorney general to bring a civil action for relief if a unit enters into a prohibited contract.

Effective: July 1, 2008.

Riegsecker

January 10, 2008, read first time and referred to Committee on Health and Provider Services.

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Introduced

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

SENATE BILL No. 251

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-8-23 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2008]:

4 **Chapter 23. Contracts for the Importation of Prescription**
5 **Drugs From Foreign Countries**

6 **Sec. 1. A unit may not contract with a person to provide the**
7 **unit, or a person on behalf of the unit, with prescription drugs**
8 **imported from a foreign country unless:**

9 (1) **the unit receives a waiver from the federal Food and Drug**
10 **Administration to import prescription drugs from a foreign**
11 **country as required under the federal Medicare Prescription**
12 **Drug Improvement and Modernization Act; and**

13 (2) **the person entering into the contract with the unit is**
14 **accredited through the National Association of Boards of**
15 **Pharmacy's Verified Internet Pharmacy Practice Sites**
16 **(VIPPS).**

17 **Sec. 2. A contract entered into in violation of this chapter is**



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1 void.

2 **Sec. 3. The attorney general may enforce this section on behalf**
3 **of the state by bringing a civil action for relief. Relief may include**
4 **the following:**

- 5 (1) A permanent or temporary injunction.
6 (2) A restraining order.
7 (3) A declaratory judgment.
8 (4) The recovery of funds spent under the contract.
9 (5) A civil penalty of not more than three (3) times the amount
10 of the contract.
11 (6) Another appropriate order.
12 (7) Reasonable expenses and attorney's fees incurred by the
13 attorney general in investigating and enforcing an action
14 brought under this section.

15 **SECTION 2. [EFFECTIVE JULY 1, 2008] IC 36-8-23, as added**
16 **by this act, applies only to contracts entered into or renewed after**
17 **June 30, 2008.**

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